IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1812 OF 2006

Shri Nilesh Popatrao Ranaware. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri J. Shekhar for Applicant.
Ms.S.D. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MAY 5, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

2. This is an application for anticipatory bail. The applicant has an apprehension that he is likely to be arrested for an offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Sections 323, 504, 506 of the IPC.

3. It is alleged that the applicants assaulted the complainant by slapping him on his face and on his neck. After the complaint was lodged, supplementary statement was recorded after 12 days in which it was alleged that

two more persons had assaulted him and they had abused him in the name of his caste.

4. This Court in a case of **Ramchandra Govindrao Watkar and Anr. V/s. State of Maharashtra, reported in 1995(2) Mh.L.J. Page 669,** has held that merely because an offence is registered under the Atrocities Act, that would not prevent the accused from making an application under Section 438 if he establishes prima facie that the offence does not disclose commission of the offence under the Atrocities Act. I have read the complaint and the supplementary statement of the complainant. In my view, prima facie case is made out. There was obviously political rivalry between the two groups and in the supplementary statement which is recorded after 12 days, for the first time, it is mentioned that the complainant was abused on the basis of his caste.

5. The applicant, therefore, in the event of his arrest in connection with C.R.No.24/2006 which is registered at the Phaltan Police Station, District Satara for the offence 3(i)(x) of the Scheduled Castes

and Scheduled Tribes (Prevention of Atrocities) Act and under Sections 323, 504 and 506 of the IPC and under Section 7(1)(3) of Protection of Civil Rights Act, may be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. The applicant to report to the police station as and when he is called and even otherwise, report to the Phaltan Police Station once in a month.

. Application is allowed in the above terms.

(V.M. Kanade, J.)